

PROVINCE OF SASKATCHEWAN



08-09

MINISTRY OF JUSTICE AND
ATTORNEY GENERAL

Freedom of Information
and Protection of Privacy

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This annual report is also available in electronic form from the Ministry's website at
www.justice.gov.sk.ca

Letter of Transmittal



His honour the Honourable Dr. Gordon L. Barnhart
Lieutenant Governor of the Province of Saskatchewan

May it Please Your Honour:

In accordance with section 63(1) of *The Freedom of Information and Protection of Privacy Act*, I have the pleasure to transmit to your Honour the 2008-2009 annual report of the administration of this Act and the regulations within each government institution during the period April 1, 2008 to March 31, 2009.

Respectfully submitted,

A handwritten signature in cursive script that reads "Don Morgan".

Don Morgan, Q.C.
Minister of Justice and Attorney General

Governing Legislation

The Freedom of Information and Protection of Privacy Act was passed in June 1991 and proclaimed the following year.

The Act applies to all ministries, secretariats and similar agencies of the executive government of Saskatchewan. The regulations extend that coverage to a broad range of Crown corporations, boards, commissions and others prescribed as government institutions.

The Act is really "two Acts in one."

First, the Act provides a right of access to records in the possession or control of provincial government institutions.

Second, the Act establishes protection of privacy rules specifying how the government collects and deals with personal information.

The Act applies to records maintained in written, photographic, audiovisual, computer generated and other formats.

Ministry of Justice and Attorney General Responsibilities

The Ministry of Justice and Attorney General provides direction and support to government institutions and to the public as it relates to *The Freedom of Information and Protection of Privacy Act*. The Ministry:

- Provides a leadership role within government on access and privacy issues, including the collection of statistical information related to access to information requests and the preparation of this Annual Report;
- Prepares and maintains access and privacy tools, such as guidelines, checklists and administrative procedures;
- Provides or supports training and awareness regarding access and privacy; and
- Maintains a website (www.justice.gov.sk.ca/accessandprivacy) providing information to the public, government institutions and local authorities to help with understanding both

the access to information and the privacy components of the legislation.

Institutions' Responsibilities

The Act applies individually to each government institution. The head of the government institution, as defined in the Act, is responsible for decisions under the Act, including responding to applications for access and protecting the privacy of personal information. Under section 60 of the Act, the head may delegate the powers to one or more officers of the government institution.

Access to Records

The Act gives individuals the right to access records of Saskatchewan government institutions. The Act sets out the rules that govern the process, including:

- How a government institution must respond;
- The collection of fees to prepare the records for response, including when to provide a cost estimate and when the head may waive those fees;
- Setting a 30-day time limit for a response (which may be extended in accordance with the Act);
- Identifying reasons for which access to all or part of a record may be denied; and
- The right of the applicant to request a review by the Information and Privacy Commissioner in certain circumstances.

Privacy

The Freedom of Information and Protection of Privacy Act further establishes rules for the collection, use and disclosure of personal information by the Government of Saskatchewan and its agencies, thus helping to protect individual privacy.

Reports

Introduction to reports

The Ministry of Justice and Attorney General collects and reports statistical information regarding the exercise of and compliance with access rights under the Act. These reports provide statistical information both by individual government institution and by the total provincial government administration.

These statistical reports are included within the Appendix:

Table A - Freedom of Information Statistical Summary Report

- Table A provides an overview of access to information requests processed by all government institutions. It includes the total number of applications received by government, the status of the applications, the processing time to complete the applications, the fees estimated and fees collected to process requests for the fiscal years 2004-05 through 2008-09.

Table B - Exemptions Used to Deny Access

- Table B presents a statistical summary of the exemptions applied to deny access for the fiscal years 2004-05 through 2008-09. These statistics are presented by mandatory exemptions, discretionary exemptions and other.

Table C - Freedom of Information Statistics by Institution - Applications for General Information

- Table C is a statistical report showing the number of general information requests received by each government institution, the action taken on those requests and the fees estimated and collected. If an institution is not listed, it did not receive any general-information requests during the 2008-09 fiscal year.
- Applications for general information are requests for records in the possession or under the control of a government institution other than those described as personal information in section 24 of the Act.

Table D - Freedom of Information Statistics by Institution - Applications for Personal Information

- Table D shows the number of personal information requests received by each institution, the action taken on those requests and the fees estimated and collected. If a government institution is not listed, it did not receive any personal-information requests during the 2008-09 fiscal year.
- Applications for personal information are requests for records in the possession or under the control of a government institution described in section 24 of the Act.

Analysis

Number of Access to Information Requests Processed

In 2008-09, provincial government institutions processed a total of 643 access to information requests – 155 requests for personal information and 488 for general information. This is an increase over the 378 processed in 2007-08.

In 2004-05, a single government institution received a large number of requests for personal information, causing the overall government numbers to rise dramatically. For the remainder of the fiscal years, the numbers ranged from a low of 118 personal-information requests in 2007-08 to 163 in 2005-06. The number of general-information requests fluctuated, with a low of 260 in 2007-08 and a high of 488 in 2008-09.

Figure 1 shows the number of requests processed by government institutions in each of the past five fiscal years.

Number of Access to Information Requests Processed 2004-05 to 2008-09

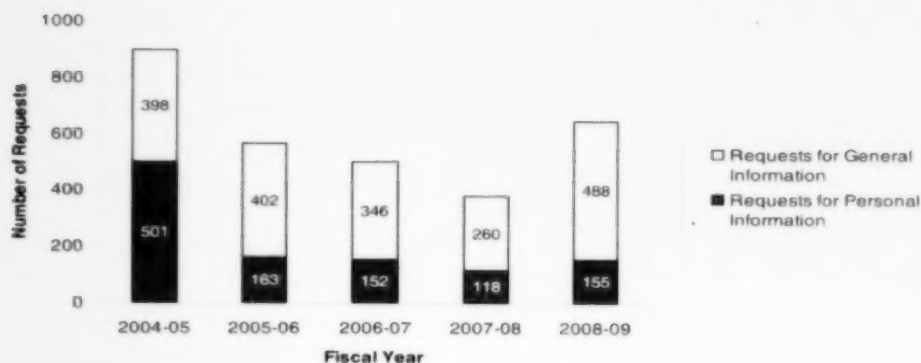


Figure 1

See Tables A, C and D for more details.

Access Request Processing Times

The Freedom of Information and Protection of Privacy Act provides a 30 calendar day time period for responding to access requests. There are provisions in the Act to extend the response time up to an additional 30 days in limited circumstances (outlined in section 12 of the Act).

On average, in the fiscal years 2004-05 to 2008-09, provincial government institutions have responded to access requests within 30 calendar days 82.2% of the time. When combined with the allowable 30 calendar day extension under section 12 of the Act, the average response rate rose to 96.4% over this same five-year period. In 2008-09, government institutions were just below the five-year average, responding within 30 days 81% of the time and within 60 days 95% of the time.

Access Request Processing Times (Personal and General) 2004-05 to 2008-09

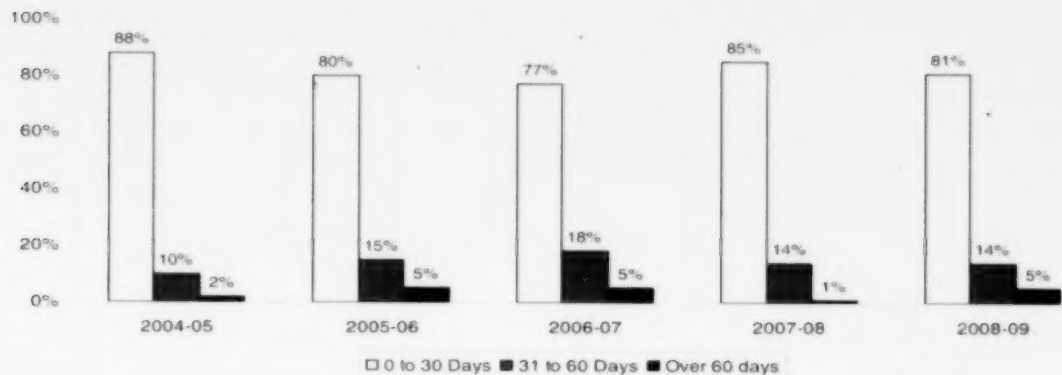


Figure 2

See Table A in the Appendix for more details.

Application Outcomes – Personal Information Requests

Table A, in the Appendix, shows the status of applications received by government institutions including: if access to the record was granted, denied, or partially granted; if the Act was not required for access; if the record did not exist; or if the record could not be found.

Figure 3, below, shows the outcomes for access to information requests for personal information. This includes the results for the 2008-09 fiscal year and the average of the four previous fiscal years (2004-05 through 2007-08).

In 2008-09, 33% of access requests for personal information were fully granted, an increase from the four-year average of 26%. The number of access requests partially granted in 2008-09 was 39%. This is an increase over the four year average of 32%. Finally, in the 2008-09 fiscal year, 6% of requests for personal information were fully denied, a decrease from the four-year average of 10%.

It is important to note that in 2004-05 a single government institution received a large number of personal information requests for records that did not exist. This resulted in the four-year average for this category of responses increase to 26%.

Application Outcomes (Personal Requests) 2008-09 Compared to Four-year Average (2004-05 to 2007-08)

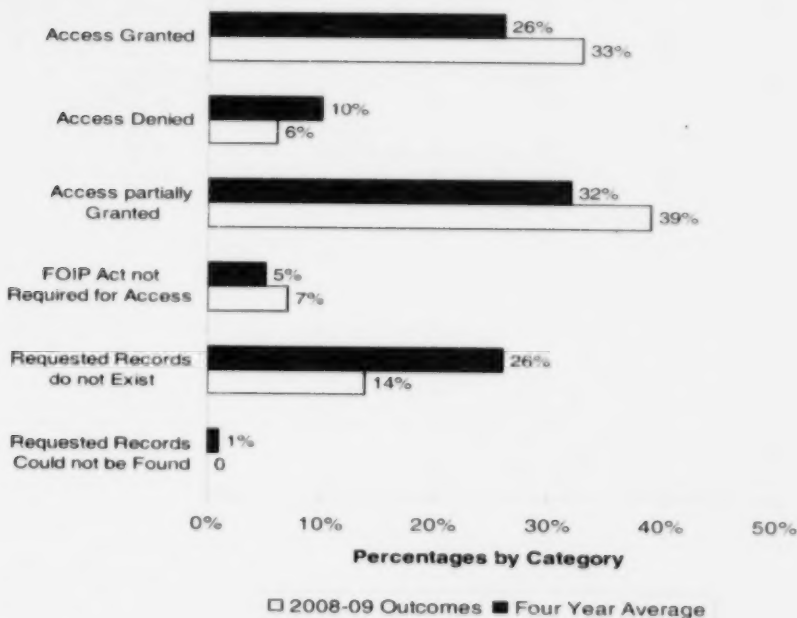


Figure 3

Note: Numbers are rounded and may not add up to 100 per cent.

Please refer to Tables A and D for more details.

Application Outcomes – General Information Requests

The following chart represents application outcomes for access to information requests for general information. This includes results for the 2008-09 fiscal year and the average of the four previous fiscal years (2004-05 through 2007-08).

In 2008-09, 46% of requests for general information were fully granted. This is unchanged from 2007-08, but is below the four-year average of 54%.

The number of access requests fully denied in 2008-09 was 9%, down from the previous four-year average of 11%.

The number of access requests for general information that were partially granted (16%) was down from the previous four-year average of 18%.

The number of access requests for general information where the records did not exist rose from the previous four-year average of 14% to 24% in 2008-09.

Application Outcomes (General Requests) 2008-09 Compared to Four-year Average (2004-05 to 2007-08)

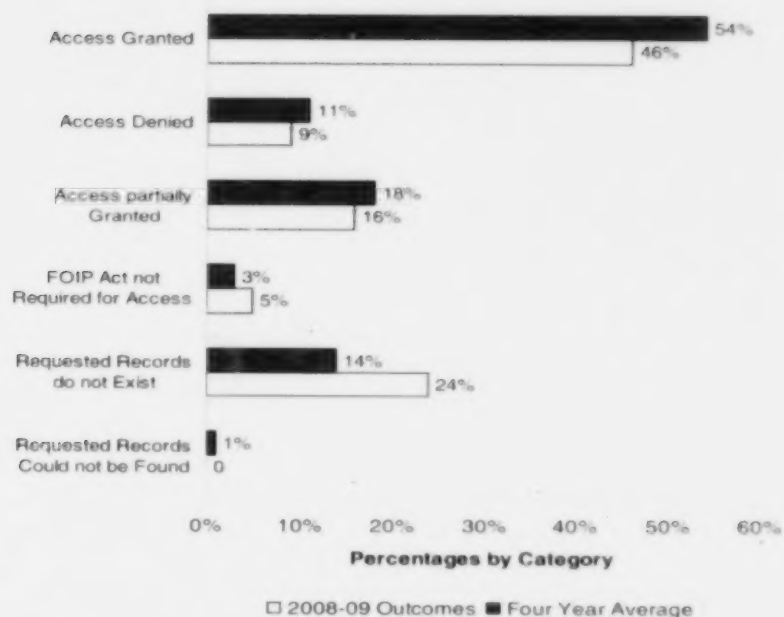


Figure 3

Note: Numbers are rounded and may not add up to 100 per cent.

Please refer to Tables A and C for more details.

Appeals to the Information and Privacy Commissioner

Section 49 of *The Freedom of Information and Protection of Privacy Act* provides applicants with a right of review by the Information and Privacy Commissioner:

- Where an applicant is not satisfied with the decision of a head ...;
- Where a head fails to respond to an application for access to a record within the required time; or
- Where an applicant requests a correction of personal information ... and the correction is not made.

Section 33 of the Act provides the Information and Privacy Commissioner with authority to conduct privacy investigations.

In 2008-09, provincial government institutions reported that the Information and Privacy Commissioner advised of his intent to review 50 access decisions or privacy matters within government institutions, a decrease from 92 reported in 2007-08. Based on previous fiscal years, the majority of these will be for access decisions and the vast majority (86% in 2007-08) will be resolved informally without the need for a full report.

Further details on reviews and investigations can be found in the Information and Privacy Commissioner's Annual Report available at www.oipc.sk.ca.

For More Information

For more information about access to records and protection of privacy in the Government of Saskatchewan, visit:

www.justice.gov.sk.ca/accessandprivacy

Table A Freedom of Information Statistical Summary Report 2004-05 to 2008-09										
	2004-05 Fiscal Year		2005-06 Fiscal Year		2006-07 Fiscal Year		2007-08 Fiscal Year		2008-09 Fiscal Year	
	Personal	General	Personal	General	Personal	General	Personal	General	Personal	General
Applications Received	970	396	176	421	145	396	129	317	172	551
Plus: Applications Carried Forward From Last Year	13	72	480	45	27	41	14	44	14	30
Less: Applications Withdrawn	2	25	466	23	5	28	6	31	9	29
Less: Applications Carried Forward to Next Year	480	45	27	41	14	44	14	30	16	50
Less: Applications Transferred Pursuant to Section 11	-	-	-	-	1	19	5	40	6	14
Total Applications Processed	501	398	163	402	152	346	118	260	155	488
Applications Status										
Access Granted	61	233	56	234	37	179	37	119	51	226
Access Denied	25	39	24	38	17	33	12	38	10	42
Partially Granted	39	73	50	61	71	63	51	53	61	78
Do Not Require FOI for Access	11	10	17	14	9	6	3	7	11	22
Records Do Not Exist	361	37	14	52	15	62	15	43	22	119
Records Could Not Be Found	4	6	2	3	3	3	0	0	0	1
Totals	501	398	163	402	152	346	118	260	155	488
Processing Time of										
Processed Within 30 Days	464	328	117	333	107	274	108	213	135	386
Processed Within 31-60 Days	23	63	25	60	27	64	8	44	12	79
Processed In More than 60 Days	14	7	21	9	18	8	2	3	8	23
Totals	501	398	163	402	152	346	118	260	155	488
Total Fees Estimated **	\$0	\$62,846	\$25	\$76,827	\$7,222	\$39,851	\$143,099	\$35,133	\$45,445	\$206,226
Total Fees Collected **	\$45	\$570	\$2,485	\$1,611	\$45	\$944	\$296	\$1,828	\$101	\$99,917

* Applications transferred were not reported separately in previous fiscal years. Prior to the 2006-07 fiscal year, the total number of transferred applications were subtracted from the number of applications received for that fiscal year.

** The total fees estimated can vary significantly from the total fees collected. The total fees estimated is the cost assessed to process applications as determined by the fee structure outlined in the Regulations. The total fees collected refer to fees actually collected from the applicants. The applicant has several options in regard to the fees. The applicant can: modify the application in order to reduce the costs, request a waiver of the fees, or decide not to pay the fees and therefore not receive access to the records. The Regulations (Section 9) are very specific regarding the types of circumstances in which the Head can waive fees.

Table B Exemptions Used to Deny Access 2004-05 to 2008-09						
	Section	2004-05 Fiscal Year	2005-06 Fiscal Year	2006-07 Fiscal Year	2007-08 Fiscal Year	2008-09 Fiscal Year
Mandatory Exemptions						
Records from Other Governments	13(1)	5	3	8	5	21
Cabinet Documents	16	10	10	15	11	31
Third Party Information	19	35	42	67	49	99
Confidentiality Provisions in Other Enactments	23	15	25	30	5	12
Disclosure of Personal Information	29	72	76	110	78	94
Personal Information of a Deceased Individual	30	0	0	2	0	0
Totals		137	156	232	148	257
Discretionary Exemptions						
	Section					
Records from Local Authorities	13(2)	8	4	1	3	5
Information Injurious to Intergovernmental Relations	14	0	2	1	3	7
Law Enforcement and Investigations	15	21	23	57	28	31
Advice from Officials	17	44	59	71	91	162
Economic and Other Interests	18	18	27	38	20	97
Testing Procedures, Tests and Audits	20	1	1	3	1	4
Danger to Health or Safety	21	2	14	13	12	8
Solicitor-Client Privilege	22	17	32	33	47	53
Individual's Access to Personal Information	31(2)	0	2	1	1	2
Totals		111	164	218	206	369
Other Exemptions						
	Section					
Not a Government Institution	2(1)d	0	0	0	0	2
Published Material or Public Record	3(1)a,b	10	9	7	9	25
Existing Rights Preserved	4	0	4	0	0	10
Unable to Identify a Record	6(3)	0	0	0	0	2
Published Material or Material that is to be Published	7(2)b,c	1	0	0	0	2
Records Do Not Exist	7(2)e	405*	68	87	55	155
Refuse to Confirm/Deny Records Exist	7(4)	1	0	1	0	0
Totals		417	81	95	64	196
Note: The numbers in these columns indicate every time an exemption was used to deny access fully or in part. The exemption may be used several times in relation to an individual application and more than one exemption may be used for each application. *The increase to the usage of section 7(2)(e) for the 2004-05 fiscal year is attributed to a large number of applications received by one ministry for records that did not exist.						

Table C
Freedom of Information Statistics by Institution - Applications for General Information
2008-09 Fiscal Year

Institution	Applications Carried Forward From Last Year	Plus (+): Applications Received	Less (-): Applications Transferred	Less (-): Applications Withdrawn	Less (-): Applications Carried Forward to Next Fiscal Year	Total Applications Processed	Access Granted	Access Denied	Access Partially Denied	FOI Not Required For Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Advanced Education, Employment and Labour	2	29	0	0	0	29	9	12	2	4	1	0	28	\$1,179.75	\$1,179.75
Agriculture	0	13	0	0	0	13	5	2	2	0	4	0	13	\$820.00	\$410.00
Automobile Injury Appeal Commission	0	3	0	0	1	2	2	0	0	0	0	0	2	\$0.00	\$0.00
Board of Revenue Commissioners	0	1	0	0	0	1	1	0	0	0	0	0	1	\$43.75	\$43.75
Corrections, Public Safety and Policing	0	27	1	0	2	24	6	2	10	1	3	0	24	\$0.00	\$0.00
Crown Investments Corporation of Saskatchewan	0	13	0	0	5	8	6	1	1	0	0	0	8	\$0.00	\$0.00
Education	2	15	0	5	3	9	6	0	1	1	1	0	9	\$1,771.75	\$245.00
Energy and Resources	1	12	0	0	1	12	4	4	1	0	3	0	12	\$0.00	\$0.00
Enterprise and Innovation*	2	8	0	1	2	7	1	1	2	0	3	0	7	\$41.25	\$41.25
Enterprise Saskatchewan	0	5	2	0	3	1	0	0	0	0	1	0	1	\$0.00	\$0.00
Environment	3	109	0	0	8	104	40	0	6	2	54	0	104	\$12,717.50	\$6,701.50
Executive Council	0	14	2	1	2	9	0	2	2	1	4	0	9	\$0.00	\$0.00
Farm Land Security Board	0	1	0	1	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00
Finance	0	12	2	0	0	10	3	2	1	0	4	0	13	\$202.50	\$202.50
First Nations and Metis Relations	0	3	0	0	0	3	1	0	2	0	0	0	3	\$0.00	\$0.00
Geographic Names Board	0	1	0	0	0	1	1	0	0	0	0	0	1	\$0.00	\$0.00
Government Services	0	5	0	0	1	4	3	0	0	0	1	0	4	\$0.00	\$0.00
Health	1	42	3	2	3	35	11	1	16	1	6	0	25	\$80,420.00	\$0.00
Highway Traffic Board	0	1	0	0	0	1	1	0	0	0	0	0	1	\$0.00	\$0.00
Highways and Infrastructure	1	16	0	1	2	14	5	1	5	0	3	0	14	\$0.00	\$711.25
Human Rights Tribunal	0	1	0	0	0	1	0	0	0	0	1	0	1	\$0.00	\$0.00
Information Services Corporation	0	3	0	0	0	3	3	0	0	0	0	0	3	\$2,110.00	\$0.00
Information Technology Office	0	3	0	0	0	3	1	0	1	0	1	0	3	\$0.00	\$0.00
Intergovernmental Affairs	0	3	0	0	0	3	1	1	1	0	0	0	3	\$0.00	\$0.00
Investment Saskatchewan	0	6	0	1	0	5	3	0	2	0	0	0	5	\$0.00	\$0.00
Justice and Attorney General	1	17	1	2	3	12	4	2	4	0	2	0	12	\$0.00	\$0.00
Labour Relations Board	1	8	0	0	2	7	0	0	1	2	4	0	7	\$0.00	\$0.00
Meewasin Valley Authority	0	1	0	0	0	1	1	0	0	0	0	0	1	\$0.00	\$0.00
Municipal Affairs	0	7	0	0	0	7	5	0	0	0	1	1	7	\$0.00	\$0.00
Public Service Commission	0	7	0	0	0	7	4	0	1	1	1	0	7	\$120.00	\$120.00
Saskatchewan Apprenticeship and Trade Certification Commission	0	1	0	0	0	1	1	0	0	0	0	0	1	\$0.00	\$0.00
Saskatchewan Arts Board	0	2	0	0	0	2	1	0	0	1	0	0	2	\$0.00	\$0.00
Saskatchewan Communications Network	0	3	0	1	0	2	1	0	1	0	3	0	2	\$0.00	\$0.00
Saskatchewan Crop Insurance	0	1	0	0	0	1	0	1	0	0	0	0	1	\$0.00	\$0.00

Table C
Freedom of Information Statistics by Institution - Applications for General Information
2008-09 Fiscal Year

Institution	Applications Carried Forward From Last Year	Plus (+) Applications Received	Less (-): Applications Transferred	Less (-): Applications Withdrawn	Less (-): Applications Carried Forward to Next Fiscal Year	Total Applications Processed	Access Granted	Access Denied	Access Partially Denied	FOI Not Required For Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Saskatchewan Financial Services Commission	0	2	0	0	0	2	0	0	0	1	1	0	2	\$0.00	\$0.00
Saskatchewan Gaming Corporation	0	2	0	0	0	2	1	1	0	0	0	0	2	\$0.00	\$0.00
Saskatchewan Government Growth Fund Management Corporation	0	1	0	0	0	1	1	0	0	0	0	0	1	\$0.00	\$0.00
Saskatchewan Government Insurance	2	5	1	0	0	6	4	1	1	0	0	0	6	\$0.00	\$0.00
Saskatchewan Health Information	0	1	0	1	0	0	0	0	0	0	0	0	0	\$0.00	\$0.00
Saskatchewan Housing Corporation	0	2	0	0	0	2	1	0	1	0	0	0	2	\$0.00	\$0.00
Saskatchewan Human Rights Commission	0	1	0	0	0	1	1	0	0	0	0	0	1	\$0.00	\$0.00
Saskatchewan Liquor and Gaming Authority	3	16	0	0	1	18	16	1	1	0	0	0	18	\$7,047.00	\$0.00
Saskatchewan Municipal Board	0	1	0	0	0	1	0	0	0	0	1	0	1	\$0.00	\$0.00
Saskatchewan Opportunities Corporation	0	2	0	0	0	2	2	0	0	0	0	0	2	\$0.00	\$0.00
Saskatchewan Pension Plan	0	1	0	0	0	1	1	0	0	0	0	0	1	\$0.00	\$0.00
Saskatchewan Police Commission	0	1	0	0	0	1	0	0	0	0	1	0	1	\$0.00	\$0.00
Saskatchewan Power Corporation	0	38	0	4	2	32	23	1	2	0	6	0	32	\$10,830.50	\$0.00
Saskatchewan Research Council	0	3	0	0	0	3	2	1	0	0	0	0	3	\$0.00	\$0.00
Saskatchewan Telecommunications	0	8	0	1	3	4	1	0	1	0	2	0	4	\$6,962.50	\$0.00
Saskatchewan Transportation Company	0	14	0	0	0	14	8	2	3	0	1	0	14	\$0.00	\$0.00
Saskatchewan Water Corporation	0	4	0	1	0	3	0	0	0	0	3	0	3	\$0.00	\$0.00
Saskatchewan Watershed Authority	7	7	0	4	2	8	7	0	0	0	1	0	8	\$0.00	\$0.00
SaskEnergy Incorporated	1	5	0	0	1	5	4	0	1	0	0	0	5	\$0.00	\$0.00
Social Services	2	22	2	1	3	18	8	2	1	6	1	0	18	\$393.75	\$0.00
Teachers' Superannuation Commission	0	1	0	0	0	1	0	0	0	0	1	0	1	\$0.00	\$0.00
Tourism, Parks, Culture and Sport	1	9	0	2	0	8	4	0	2	0	2	0	8	\$145.50	\$262.25
Wanuskewin Heritage Park Authority	0	1	0	0	0	1	0	0	0	1	0	0	1	\$0.00	\$0.00
Wascana Centre Authority	0	11	0	0	0	11	9	0	1	0	1	0	11	\$0.00	\$0.00
Workers' Compensation Board	0	2	0	0	0	2	1	1	0	0	0	0	2	\$0.00	\$0.00
Totals	30	551	14	29	50	488	226	42	78	22	119	1	488	\$206,225.75	\$9,917.83

*In December 2008, the Ministry of Enterprise and Innovation was dissolved and Enterprise Saskatchewan was created.

Table D
Freedom of Information Statistics by Institution - Applications for Personal Information
2008-09 Fiscal Year

Institution	Applications Carried Forward From Previous Fiscal Year	Plus (+): Applications Received	Less (-): Applications Transferred	Less (-): Applications Withdrawn	Less (-): Applications Carried Forward to Next Fiscal Year	Total Applications Processed	Access Granted	Access Denied	Access Partially Denied	FOI Not Required For Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Advanced Education, Employment and Labour	0	22	1	2	0	19	5	1	6	5	2	0	19	\$0.00	\$0.00
Agriculture	0	2	1	0	0	1	0	0	1	0	0	0	1	\$0.00	\$0.00
Corrections, Public Safety and Policing	2	30	0	2	4	26	3	3	11	0	9	0	26	\$0.00	\$0.00
Crown Investments Corporation of Saskatchewan	0	2	1	0	0	1	0	0	0	0	1	0	1	\$0.00	\$0.00
Education	0	2	0	2	0	2	0	0	2	0	0	0	2	\$0.00	\$0.00
Environment	0	3	0	0	0	3	2	0	0	0	1	0	3	\$0.00	\$0.00
Finance	0	2	0	0	1	1	1	0	0	0	0	0	1	\$0.00	\$0.00
Health	0	1	0	0	0	1	1	0	0	0	0	0	1	\$0.00	\$0.00
Information Services Corporation	0	2	0	0	0	2	2	0	0	0	0	0	2	\$0.00	\$0.00
Justice and Attorney General	0	7	0	2	0	5	1	2	0	1	1	0	5	\$0.00	\$0.00
Provincial Mediation Board	0	1	0	0	0	1	1	0	0	0	0	0	1	\$0.00	\$0.00
Public Guardian and Trustee	0	1	0	0	0	1	1	0	0	0	0	0	1	\$0.00	\$0.00
Public Service Commission	1	4	2	0	0	3	1	1	1	0	0	0	3	\$0.00	\$0.00
Saskatchewan Government Insurance	7	62	1	0	3	65	27	0	38	0	0	0	65	\$0.00	\$0.00
Saskatchewan Human Rights Commission	0	1	0	0	0	1	1	0	0	0	0	0	1	\$0.00	\$0.00
Saskatchewan Legal Aid Commission	0	1	0	0	0	1	1	0	0	0	0	0	1	\$0.00	\$0.00
Social Services	2	10	0	1	6	10	3	0	2	5	0	0	10	\$405.25	\$100.75
Wascana Centre Authority	0	11	0	0	2	9	1	0	0	0	8	0	9	\$45,040.00	\$0.00
Workers' Compensation Board	0	3	0	0	0	3	0	3	0	0	0	0	3	\$0.00	\$0.00
Totals	14	172	6	9	16	155	51	10	61	11	22	0	155	\$45,445.25	\$100.75

